

### **REMARKS/ARGUMENTS**

Claims 1-20 in the case are pending. Claims 1-20 have been rejected under 35 U.S.C. §102(b) as being anticipated by Toogood (US RE 36,659). Claims 1-4, 7, 8-13 have been rejected under 35 U.S.C. §102(b) as being anticipated by Oppelt et al (US Pat. 6,203,251). Claims 1-3, 8-12, 16 and 17 have been rejected under 35 U.S.C. §102(b) as being anticipated by Proulx (GB2005170A). Claims 5, 6, 14, 15, 19 and 20 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Toogood. Claims 5, 6, 14, 15, 19 and 20 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Oppelt et al.

In view of the above, base Claims 1 and 8 have been amended to further distinguish the present cutting device from that disclosed in the prior art. Specifically, the amended claims now recite a cutting device including a rotatable disk defining a plurality of *closed-sided* tooth sockets, and a plurality of tooth assemblies mounted within respective sockets. *Each closed-sided socket has a bottom and plurality of adjacent raised sides.* Each tooth assembly includes a tooth holder, and a cutting tip projecting from the rotatable base for engaging and cutting an object. The tooth holder has a base-engaging portion *which fits closely adjacent each of the raised sides of the closed-sided tooth socket*, such that the raised sides cooperate to secure the tooth assembly and provide resistance during rotation of the cutting device. Claims 16-20 are cancelled herein.

With regard to the art cited, Toogood describes a cutting device with "pockets" designed to receive respective cutting elements. While the pocket (104, 108) appears to be substantially closed-sided, *the cutting element does not fit closely adjacent each of the raised sides. As such, the raised sides of the closed-sided pocket do not and cannot cooperate to secure the cutting element and provide resistance (torque and shear) during rotation of the cutting device.* To the contrary, Toogood *teaches away* from this structure

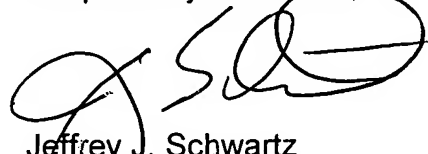
of the claimed invention by forming a passage (146) in the pocket adjacent the cutting element (126, 112); the passage being provided for discharge of the cut material. See col. 5, Ins. 19-25; Figure 4.

Oppelt describes a milling insert (2) designed to fit within an open-sided recess (12). Unlike the claimed cutting device, Oppelt does not have raised sides which cooperate to secure the cutting element and provide torque and shear resistance during rotation of the cutter.

Proulx describes a broaching tool with sockets (25) designed to receive cutter discs (24). As best illustrated in Figures 2 and 5 of Proulx, the cutter disc does not fit closely adjacent the entire raised side of the recess. Instead, the recess slopes (26) towards an open side to fully expose the cutting edge portion of the disc.

For all these reasons discussed above, Applicant submits that all of the claims in the case are now in condition for allowance. Such action is therefore respectfully requested at an early date. If the Examiner believes that issues remain for discussion, \*he is invited to contact the undersigned at the telephone number indicated below.

Respectfully submitted,



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